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GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH



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DIRECTOR

MEMORANDUM

**Date:** October 11, 2005

**To:** City and County Planning Directors

**From:** Terry Roberts, Director State Clearinghouse,  
Governor's Office of Planning & Research (OPR)

**Subject:** **New Local Government Planning Requirements  
Thirty-Day Notice to Institute Notification Process to the Military (SB 1462)**

The Governor's Office of Planning and Research (OPR) is writing to notify you of recent changes in state planning law that affect local government planning processes. In 2004, Senate Bill 1462 was passed, amending provisions of the Government Code and requiring cities and counties to notify the United States Military (Military) of certain local planning proposals and development permit applications (SB 1462, Chapter 906, Kuehl). OPR and the California Resources Agency have developed an online planning tool to assist in that process.

**This memo provides a summary of SB 1462's requirements and serves as OPR's notice to cities and counties to begin notifying the Military within 30 days, as required by law.**

The intent of Senate Bill 1462 was to create a local notification process to inform the Military of certain local land use proposals, in an effort to prevent land use conflicts between local communities and military installations and training activities. The bill amended Government Code sections 65352, 65940, and 65944, and requires local governments to: (a) revise their development permit application forms, and (b) notify branches of the Military when proposed general plan actions and amendments, and development projects might have an impact on military facilities and operations. The following is a summary of the new statutory requirements. The amended Government Code sections are provided in Attachment 1.

**Notification Requirements**

Local Governments have thirty (30) days from the receipt of this letter to institute the following changes. These process changes only apply to jurisdictions, or proposed projects and actions that meet the following criteria. Affected jurisdictions, or projects and actions are:

- located within 1,000 feet of a military installation;
- beneath a low-level flight path; or,
- within special use airspace as defined in Section 21098 of the Public Resources Code.

***Please note the exceptions listed in Government Code section 65940.***

**1. Government Code Section 65352 (a)(6)**

Before any legislative body adopts or substantially amends a general plan, the planning agency shall refer the proposed action, if it meets one or more of the above criteria, to the branches of the US Armed Forces that have provided mailing addresses.

**2. Government Code Section 65940**

Local governments are required to change their development permit application forms to allow an applicant to identify whether or not a proposed project meets one or more of the criteria listed above, as well as whether or not the project is in an urbanized area as defined in Government Code Section 65944 (2) (see attached Government Code sections).

**3. Government Code Section 65944 (d)(1)**

After a local agency accepts a development application as complete, and if the project applicant has identified that the proposed project meets one or more of the criteria listed above, the local agency shall send a copy of the complete application to all the Military branches for which a mailing address is provided.

**Military Contacts/Addresses**

Attachment 2 contains point of contact mailing addresses for each of the four branches of the Military. Please use these addresses for referring general plans or general plan amendments, and development applications to the Military, as required in numbers 1 and 3 above. **Documents must be sent by mail to each of these addresses.**

Once the Military receives a copy of a development application from your agency, the Military may request a consultation with your agency and the project applicant to discuss the effects of the proposed project on military facilities or operations (Government Code section 65944 (e)).

**Mapping Tools to Meet Notification Requirements**

The Military provided the State with maps of its installations, low-level flight paths, and special use airspace to enable local governments to comply with the new notification requirements. The Resources Agency of California has posted these maps as a GIS map layer on the California Digital Atlas (available to the public at <http://atlas.resources.ca.gov/>).

In addition, a simple to use project locator, the California Military Land Use Compatibility Analyst (CMLUCA), was developed by the Resources Agency in conjunction with OPR. This project locator tool is available for use by local planners, permit applicants, and developers to easily determine if a project triggers Military notification. CMLUCA is available on the LUPIN (Land Use Planning Information Network) website, under the "Services" subtitle, at <http://ceres.ca.gov/planning/>.

This notice is being mailed by OPR to Mayors and Board of Supervisor Chairs for their information and use.

Please contact Julia Lave Johnston, Senior Planner, at OPR if you have any questions. She can be reached at (916) 445-0613 or [julia.johnston@opr.ca.gov](mailto:julia.johnston@opr.ca.gov).

**Attachments:**

- 1) Government Code Sections Amended by SB 1462
- 2) Military Mailing Addresses for SB 1462 Compliance

## Attachment 1 Government Code Sections

The **bold-faced** type indicates changes to the statute as a result of SB 1462, requiring notification to the United States Military of general plan actions and development permit applications.

### 65352. Referral of Plans

(a) Prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to all of the following entities:

(1) A city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action, as determined by the planning agency.

(2) An elementary, high school, or unified school district within the area covered by the proposed action.

(3) The local agency formation commission.

(4) An areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.

(5) A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.

**(6) (A) The branches of the United States Armed Forces that have provided the Office of Planning and Research with a California mailing address pursuant to subdivision (d) of Section 65944 when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, as defined in Section 21098 of the Public Resources Code, provided that the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.**

**(B) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subparagraph (A) within 30 days of receiving this notice from the office.**

(7) A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

(8) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(9) On and after March 1, 2005, a California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county's jurisdiction.

(b) Each entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the other entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

65940. List specifying required data for development project

(a) Each state agency and each local agency shall compile one or more lists **that** shall specify in detail the information that will be required from any applicant for a development project. **Each local agency shall revise** the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

**(b) (1) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.**

**(2) The information described in paragraph (1) shall be based on information provided by the Office of Planning and Research pursuant to paragraph (2) of subdivision (d) as of the date of the application. Cities, counties, and cities and counties shall comply with paragraph (1) within 30 days of receiving this notice from the office.**

**(c) (1) A city, county, or city and county that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).**

**(2) A city, county, or city and county that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).**

**(d) (1) Subdivision (b) as it relates to the identification of special use airspace, low-level flight paths, military installations, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.**

**(2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet.**

*(Amended by Stats. 1982, Ch. 84; Amended by Stats. 1986, Ch. 1048 and Ch. 1019; Amended by Stats. 1987, Ch. 985; Amended by Stats. 1992, Ch. 1200; Amended by Stats. 2004, Ch. 906.)*

65944. Agency Acceptance of Application

(a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.

(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

**(d) (1) After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide a copy of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. This subdivision shall apply only to development applications submitted to a public agency 30 days after the Office of Planning and Research has notified cities, counties, and cities and counties of the availability of Department of Defense information on the Internet pursuant to subdivision (d) of Section 65940.**

**(2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an "urbanized area." An urbanized area is any urban location that meets the definition used by the United State Department of Commerce's Bureau of Census for "urban" and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.**

**(e) Upon receipt of a copy of the application as required in subdivision (d), any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.**

**(f) (1) Subdivisions (d), (e), and (f) as these relate to low-level flight paths, special use airspace, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.**

**(2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subdivision (d) within 30 days of receiving this notice from the office.**

*(Amended by Stats. 1982, Ch. 84; Amended by Stats. 2004, Ch. 906.)*

## **Attachment 2**

### **Military Mailing Addresses for SB 1462 Notification**

All SB 1462 required referrals to the United State Military must be addressed to the following single points of contact for the four Military branches listed below. All SB 1462 required documents must be sent by US Mail.

#### **US Air Force**

Regional Environmental Officer for California  
Western Region Environmental Office  
US Air Force  
333 Market Street, Suite 625  
San Francisco CA 94105-2196  
baha.zarah@brooks.af.mil

#### **US Army**

##### **Fort Irwin**

Lt. Colonel Paul D. Cramer  
Director of Public Works National Training Center  
P.O. Box 105097  
Fort Irwin, California 92310  
paul.cramer@irwin.army.mil

##### **Fort Hunter-Liggett**

Mr. Peter Rubin  
Director of Public Works Combat Support Training Center  
B790 5th street  
Parks RFTA, Dublin, CA 94568  
peter.rubin@usar.army.mil

#### **US Navy**

Sheila Donovan  
Community Plans and Liaison Coordinator  
US Navy  
1220 Pacific Highway  
San Diego, CA 92132-5190  
sheila.donovan@navy.mil

#### **US Marine Corps**

Patrick Christman, Director  
Western Region Environmental Office  
US Marine Corps  
Building 1164  
Box 555246  
Camp Pendleton, CA 92055-5246  
ChristmanP@pendleton.usmc.mil